

TOTAL P. 10

AFFIDAVIT OF SERVICE

STATE OF NEW YORK

SOUTHERN COUNTY

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 08 CV 0993 AND FILED ON JANUARY 30, 2008

ATTORNEY(S):

Jacquelyn White

Plaintiff(s)
Petitioners

vs

Department of Correctional Services ("DOCS"), New York State, et al

Defendant(s)
Respondent(s)

STATE OF NEW YORK: COUNTY OF ALBANY, SS.:

James Perone, being duly sworn deposes and says deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. That on May 28, 2008 at 4:40pm at c/o Department of Corrections, 1220 Washington Avenue, Building 2, Albany, New York deponent served the within Summons in a Civil Action & Complaint with Exhibits Bearing the above Index # and Filing Date on: Deputy Superintendent of Security Nicolas Brocco, Defendant (herein called recipient) therein named.

INDIVIDUAL

A ☐

By personally delivering to and leaving with said

a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said Summons in a Civil Action & Complaint with Exhibits Bearing the above Index # and Filing Date

CORPORATION

B ☒

By delivering to and leaving with Lenny A. Mancini at 1220 Washington Avenue, Building 2, Albany, New York and that deponent knew the person so served to be the Authorized to Accept of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE
AGE PERSONC ☐

By delivering a true copy thereof to and leaving with _____ a person of suitable age and discretion at _____ the said premises being the defendants/respondents [] dwelling place (usual place of abode) [] actual place of business within the State of New York.

AFFIXING
TO DOORD ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of abode) [] actual place of business within the State of New York.

MAILING TO
RESIDENCE
(use with C or D)E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at _____ and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within New York State on _____

MAILING TO
BUSINESS
(use with C or D)E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at _____ in an official depository under the exclusive care and custody of the United States Post Office within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on _____

PREVIOUS
ATTEMPTS
(use with D)F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

Day _____	Date _____	Time _____
Day _____	Date _____	Time _____
Day _____	Date _____	Time _____

Deponent spoke with _____ who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.

G ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT
DESCRIPTION
(Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 54 Approximate weight 160 Approximate height 5'6 Sex Male
Color of skin White Color of hair Gray Other _____

MILITARY
SERVICE☐

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

NON-
SERVICEH ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other

WIT. FEES

☐

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 28th day of May 2008

Deborah A. Bottist
DEBORAH A. BOTTISTI

NOTARY PUBLIC, State of New York
No 01806036756, Qualified in Albany County
Commission Expires February 7, 2010

James Perone
James Perone
Attny's File No.

Invoice/Work Order # 0619445

P. 01/01

MAY-28-2008 04:56